

Senate File 258 - Introduced

SENATE FILE _____
BY DEARDEN and BLACK

(COMPANION TO HF 193 BY
BAUDLER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the issuance of permits to carry weapons and
2 providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1114SS 83
5 rh/rj/5

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1 1 Section 1. Section 229.24, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. ~~All Except as otherwise provided in this section, all~~
1 4 papers and records pertaining to any involuntary
1 5 hospitalization or application for involuntary hospitalization
1 6 of any person under this chapter, whether part of the
1 7 permanent record of the court or of a file in the department
1 8 of human services, are subject to inspection only upon an
1 9 order of the court for good cause shown. ~~Nothing in this~~ This
1 10 section shall not prohibit a hospital from complying with the
1 11 requirements of this chapter and of chapter 230 relative to
1 12 financial responsibility for the cost of care and treatment
1 13 provided a patient in that hospital, ~~nor or~~ from properly
1 14 billing any responsible relative or third-party payer for such
1 15 care and treatment.
1 16 Sec. 2. Section 229.24, Code 2009, is amended by adding
1 17 the following new subsection:
1 18 NEW SUBSECTION. 4. The clerk of the district court shall
1 19 provide to the department of public safety notice of all
1 20 adjudications of persons involuntarily committed to a mental
1 21 institution for inpatient or outpatient or other appropriate
1 22 treatment by reason of serious mental impairment under this
1 23 chapter. Such notice shall only be used by the department to
1 24 submit information to the national instant criminal background
1 25 system maintained by the federal bureau of investigation and
1 26 shall otherwise remain confidential.
1 27 Sec. 3. Section 724.7, Code 2009, is amended to read as
1 28 follows:
1 29 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.
1 30 ~~Any person who can reasonably justify going armed may be~~
1 31 ~~issued a nonprofessional permit to carry weapons. The~~
1 32 ~~issuance of a nonprofessional permit to carry weapons shall be~~
1 33 ~~by and at the discretion of the issuing officer who shall,~~
1 34 ~~before issuing the permit, determine that the requirements of~~
1 35 ~~sections 724.8 through 724.10 have been met. Such permits~~
2 1 shall be on a form prescribed and published by the
2 2 commissioner of public safety, which shall be readily
2 3 distinguishable from the professional permit, and shall
2 4 identify the holder thereof, and state the reason for the
2 5 issuance of the permit, and the limits of the authority
2 6 granted by such permit. All permits so issued shall be for a
2 7 definite period ~~as established by the issuing officer, but in~~
2 8 ~~no event shall exceed a period of twelve months~~ of three
2 9 years.
2 10 Sec. 4. Section 724.8, Code 2009, is amended to read as
2 11 follows:
2 12 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY WEAPONS.
2 13 ~~No~~ A person shall not be issued a professional or
2 14 nonprofessional permit to carry weapons unless:
2 15 1. The person is eighteen years of age or older for a

2 16 professional permit or twenty=one years or older for a
2 17 nonprofessional permit.

2 18 2. The person has never been convicted of a felony.
2 19 3. The person is not addicted to the use of alcohol or any
2 20 controlled substance.
2 21 4. The person has no history of repeated acts of violence.
2 22 5. The issuing officer reasonably determines that the
2 23 applicant does not constitute a danger to any person.
2 24 6. The person has never been convicted of any crime
2 25 defined in chapter 708, except "assault" as defined in section
2 26 708.1 and "harassment" as defined in section 708.7.
2 27 7. The person has not been committed to a mental
2 28 institution for purposes of 18 U.S.C. } 922(g)(4).
2 29 8. The person is not subject to a protective order
2 30 pursuant to 18 U.S.C. } 922(g)(8) and has not been convicted
2 31 of a misdemeanor crime of domestic violence pursuant to 18
2 32 U.S.C. } 922(g)(9). It is the intent of the general assembly
2 33 that violations of these federal laws be strictly enforced in
2 34 the courts of this state.

2 35 Sec. 5. Section 724.9, Code 2009, is amended to read as
3 1 follows:
3 2 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.
3 3 A training program to qualify persons in the safe use of
3 4 firearms shall be provided by the issuing officer of permits,
3 5 as provided in section 724.11.
3 6 1. The commissioner of public safety shall establish
3 7 minimum standards for a training program designed to qualify
3 8 persons in the safe use of firearms and shall include a course
3 9 of instruction designed to qualify a person on a firing range.
3 10 The course of instruction shall be limited to a maximum of six
3 11 hours in length. The course of instruction shall include all
3 12 of the following:
3 13 a. Firearms safety in the classroom, at home, on the
3 14 firing range, and while carrying the firearm.
3 15 b. A physical demonstration performed by the applicant
3 16 that demonstrates the applicant's ability to safely load and
3 17 unload a revolver or a semiautomatic pistol and the
3 18 applicant's marksmanship.
3 19 c. The basic principles of marksmanship.
3 20 d. The law relating to firearms pursuant to this chapter.
3 21 e. The law relating to the justifiable use of force
3 22 pursuant to chapter 704.
3 23 f. A live fire shooting test administered to an applicant
3 24 pursuant to section 724.9A.
3 25 2. The commissioner of public safety shall approve the
3 26 training program, and the county sheriff or the commissioner
3 27 of public safety conducting the training program within their
3 28 respective jurisdictions may contract with a private
3 29 organization or use the services of other agencies, or may use
3 30 a combination of the two, to provide ~~such a~~ training program
3 31 that meets the standards specified in subsection 1. Any
3 32 person eligible to be issued a permit to carry weapons may
3 33 enroll in such course. A fee sufficient to cover the cost of
3 34 the program may be charged to each person attending.
3 35 Certificates of completion, on a form prescribed and published
4 1 by the commissioner of public safety, shall be issued by a
4 2 qualified firearms safety instructor subject to the
4 3 restrictions of section 724.9B to each person who successfully
4 4 completes the program. No A person shall not be issued either
4 5 a professional or nonprofessional permit unless the person has
4 6 received a certificate of completion or is a certified peace
4 7 officer. No A peace officer or correctional officer, except a
4 8 certified peace officer, shall not go armed with a pistol or
4 9 revolver unless the officer has received a certificate of
4 10 completion, provided that this requirement shall not apply to
4 11 persons who are employed in this state as peace officers on
4 12 January 1, 1978 until July 1, 1978, or to peace officers of
4 13 other jurisdictions exercising their legal duties within this
4 14 state.

4 15 Sec. 6. NEW SECTION. 724.9A LIVE FIRE SHOOTING TEST.
4 16 1. A live fire shooting test shall be administered in the
4 17 presence of a firearms safety instructor qualified under
4 18 section 724.9C to an applicant for a nonprofessional permit to
4 19 carry weapons. The live fire shooting test shall consist of
4 20 thirty rounds fired from a standing position or its equivalent
4 21 at a distance from a B=27 silhouette target or an FBI "Q"
4 22 target, ten rounds fired from a distance of five yards, ten
4 23 rounds fired from a distance of seven yards, and ten rounds
4 24 fired from a distance of ten yards. Two sets of five rounds
4 25 shall be fired consecutively at each designated distance and
4 26 each five=round string shall be fired within thirty seconds.

4 27 Twenty-one of the rounds fired must strike either the
4 28 eight-ring on the B=27 target or the smallest FBI "Q" target
4 29 to pass the live fire shooting test.

4 30 2. An applicant for a nonprofessional permit to carry
4 31 weapons may attempt to pass the live fire shooting test
4 32 administered pursuant to subsection 1 up to three times in one
4 33 day but must pass the shooting test within two weeks of
4 34 completing a firearms training program pursuant to section
4 35 724.9. An applicant who fails the live fire shooting test
5 1 within the requisite two-week period shall be required to
5 2 retake the firearms training program prior to again attempting
5 3 to pass the live fire shooting test.

5 4 3. The provisions of this section shall be implemented
5 5 uniformly throughout the state and shall constitute the
5 6 statewide standard for the course of instruction qualifying a
5 7 person to shoot on a firing range pursuant to section 724.9.

5 8 Sec. 7. NEW SECTION. 724.9B CERTIFICATE OF COMPLETION.
5 9 A qualified firearms safety instructor shall not issue a
5 10 certificate of completion to an applicant for a permit to
5 11 carry weapons who does any of the following:

5 12 1. Fails to demonstrate the requisite knowledge and
5 13 technique regarding the proper handling of a firearm.

5 14 2. Handles a firearm in a manner that, in the judgment of
5 15 the qualified firearms safety instructor, poses a danger to
5 16 the applicant or others.

5 17 3. Fails the live fire shooting test pursuant to the
5 18 requirements specified in section 724.9A.

5 19 Sec. 8. NEW SECTION. 724.9C QUALIFIED FIREARMS SAFETY
5 20 INSTRUCTOR.
5 21 A firearms safety instructor shall be considered to be a
5 22 qualified firearms safety instructor if the instructor has any
5 23 of the following qualifications:

5 24 1. Is certified by the national rifle association as an
5 25 instructor in any course that provides basic instruction in
5 26 pistol marksmanship or in the use of pistols or revolvers for
5 27 personal protection.

5 28 2. Submits a photocopy of a certificate of completion of a
5 29 firearms safety instructor course offered by a local, state,
5 30 or federal governmental agency and approved by the department
5 31 of public safety.

5 32 3. Submits a photocopy of a certificate of completion of a
5 33 firearms safety instructor course approved by the department
5 34 of public safety.

5 35 4. Has successfully completed a firearms safety instructor
6 1 course given by or under the supervision of any state, county,
6 2 municipal, or federal law enforcement agency.

6 3 5. Is a certified police officer firearms safety
6 4 instructor.

6 5 6. Is a certified law enforcement academy firearms safety
6 6 instructor.

6 7 Sec. 9. Section 724.11, Code 2009, is amended to read as
6 8 follows:

6 9 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.
6 10 1. Applications for permits to carry weapons shall be made
6 11 to the sheriff of the county in which the applicant resides.
6 12 Applications from persons who are nonresidents of the state,
6 13 or whose need to go armed arises out of employment by the
6 14 state, shall be made to the commissioner of public safety. In
6 15 either case, the issuance of the permit shall be by and at the
6 16 discretion of the sheriff or commissioner, who shall, before
6 17 issuing the permit, determine that the requirements of
6 18 sections 724.6 to 724.10 have been satisfied. However, the
6 19 training program requirements in section 724.9 may shall be
6 20 waived for renewal permits. If the sheriff or the
6 21 commissioner restricts or denies an application for a permit
6 22 under this section, the sheriff or commissioner shall provide
6 23 a written statement of the reasons for the restriction or the
6 24 denial to the applicant by certified mail within fifteen
6 25 working days of the filing of the application.

6 26 2. The issuing officer shall collect a fee of ~~ten~~ thirty
6 27 dollars, except from a duly appointed peace officer or
6 28 correctional officer, for each permit issued. Renewal permits
6 29 or duplicate permits shall be issued for a fee of five
6 30 dollars. The issuing officer shall notify the commissioner of
6 31 public safety of the issuance of any permit at least monthly
6 32 and forward to the commissioner an amount equal to two dollars
6 33 for each permit issued and one dollar for each renewal or
6 34 duplicate permit issued. All such fees received by the
6 35 commissioner shall be paid to the treasurer of state and
7 1 deposited in the operating account of the department of public
7 2 safety to offset the cost of administering this chapter. Any

7 3 unspent balance as of June 30 of each year shall revert to the
7 4 general fund as provided by section 8.33.

7 5 Sec. 10. NEW SECTION. 724.11A RECIPROCITY.

7 6 A person possessing a valid permit issued by another state
7 7 to carry a weapon shall be entitled to the privileges and
7 8 subject to the restrictions prescribed in this chapter
7 9 provided the state that issued the license has training
7 10 requirements that are equal to or greater than the training
7 11 requirements prescribed by this chapter. The department of
7 12 public safety shall determine which states qualify as
7 13 reciprocal states, shall maintain an up-to-date list of such
7 14 states, and shall post such information on the department's
7 15 internet site.

7 16 Sec. 11. NEW SECTION. 724.14 IMMUNITY.

7 17 The sheriff or the commissioner of public safety shall not
7 18 be liable for damages in any civil action arising from the
7 19 alleged wrongful issuance, renewal, or failure to revoke a
7 20 permit to carry weapons provided that the sheriff or the
7 21 commissioner acted reasonably and in good faith and in
7 22 accordance with the provisions of this chapter in carrying out
7 23 the sheriff's or the commissioner's official duties.

7 24 Sec. 12. NEW SECTION. 724.21A HEARING ON RESTRICTION OR
7 25 DENIAL OF PERMIT TO CARRY WEAPONS.

7 26 1. In any case where the sheriff or the commissioner of
7 27 public safety restricts or denies an application for a permit
7 28 to carry weapons, the restricted or denied applicant shall
7 29 have the right to appeal the restriction or denial to the
7 30 commissioner of public safety within thirty days of receiving
7 31 written notice of the restriction or denial.

7 32 2. A restriction or denial of an application for a permit
7 33 to carry weapons may be appealed by filing with the
7 34 commissioner of public safety a copy of the restriction or
7 35 denial and a written statement that clearly states the
8 1 applicant's reasons rebutting the restriction or denial along
8 2 with a fee of ten dollars. Additional information which may
8 3 be pertinent to the applicant's request for a permit should
8 4 also be included.

8 5 3. The commissioner of public safety shall grant an
8 6 aggrieved applicant an opportunity to be heard within forty=
8 7 five days of receipt of a request for an appeal. The hearing
8 8 may be held by telephone conference at the discretion of the
8 9 commissioner of public safety.

8 10 4. After the hearing, the commissioner of public safety
8 11 shall order that the restriction or denial of the application
8 12 be either rescinded or sustained. An applicant aggrieved by
8 13 the final judgment of the commissioner of public safety
8 14 sustaining the restriction or denial shall have the right to
8 15 judicial review in accordance with the terms of the Iowa
8 16 administrative procedure Act, chapter 17A.

8 17 Sec. 13. EFFECTIVE DATE. The sections of this Act
8 18 amending section 229.24 take effect January 1, 2010.

8 19 EXPLANATION

8 20 This bill relates to the issuance of weapons permits.

8 21 The bill requires the clerk of the district court to
8 22 provide to the department of public safety notice of all
8 23 adjudications of persons involuntarily committed to a mental
8 24 institution for inpatient or outpatient or other appropriate
8 25 treatment by reasons of serious mental impairment under Code
8 26 chapter 229. This notice shall only be used by the department
8 27 of public safety to submit information to the national instant
8 28 criminal background system maintained by the federal bureau of
8 29 investigation and shall otherwise remain confidential. This
8 30 provision of the bill takes effect January 1, 2010.

8 31 The bill provides that a person who is at least 21 and who
8 32 meets additional eligibility requirements shall be issued, at
8 33 the discretion of the issuing officer, a nonprofessional
8 34 permit to carry weapons. The bill provides that persons who
8 35 have been committed to a mental institution under federal law
9 1 or persons who are subject to protective orders or who have
9 2 been convicted of a misdemeanor crime of domestic violence
9 3 under federal law are all ineligible for a permit to carry
9 4 weapons. The bill provides that a permit to carry a weapon
9 5 shall be issued for a three-year period for a fee of \$30.

9 6 The bill amends current law relating to a firearms training
9 7 program. The bill requires the commissioner of public safety
9 8 to establish minimum firearms safety standards. The bill
9 9 specifies that the commissioner shall establish certain
9 10 training standards relating to the qualifications of persons
9 11 in the safe use of firearms. The bill further provides a
9 12 statewide standard designed to qualify an applicant for a
9 13 nonprofessional permit to carry weapons to shoot on a firing

9 14 range.

9 15 The bill provides that a qualified firearms safety
9 16 instructor shall issue a certificate of completion to a person
9 17 who successfully completes the training program, including the
9 18 completion of the requirements relating to live fire
9 19 ammunition testing on a firing range. The bill specifically
9 20 provides that a person who does not follow the orders of the
9 21 qualified firearms safety instructor, handles a firearm in a
9 22 manner that poses a danger to the applicant or others, or who
9 23 fails to pass the live fire testing portion of the training
9 24 program shall not be issued a certificate of completion. An
9 25 applicant for a permit to carry weapons shall not be issued a
9 26 permit to carry weapons unless the applicant has received a
9 27 certificate of completion or is a certified peace officer.

9 28 The bill defines a qualified firearms safety instructor as
9 29 a person who meets any of the following qualifications:

9 30 1. Is certified by the national rifle association as an
9 31 instructor in any course that provides basic instruction in
9 32 pistol marksmanship or in the use of pistols or revolvers for
9 33 personal protection.

9 34 2. Submits a photocopy of a certificate of completion of a
9 35 firearms safety instructor course offered by a local, state,
10 1 or federal governmental agency and approved by the department
10 2 of public safety.

10 3 3. Submits a photocopy of a certificate of completion of a
10 4 firearms safety instructor course approved by the department
10 5 of public safety.

10 6 4. Has successfully completed a firearms safety instructor
10 7 course given by or under the supervision of any state, county,
10 8 municipal, or federal law enforcement agency.

10 9 5. Is a certified police officer firearms safety
10 10 instructor.

10 11 6. Is a certified law enforcement academy firearms safety
10 12 instructor.

10 13 The bill provides that if the sheriff or commissioner
10 14 restricts or denies an application for a concealed weapons
10 15 permit, the sheriff or commissioner shall provide a written
10 16 statement of the reasons for the restriction or denial.

10 17 The bill provides that a person possessing a valid
10 18 out-of-state permit to carry a weapon shall be entitled to the
10 19 privileges and subject to the restrictions prescribed provided
10 20 the state that issued the license has training requirements
10 21 that are equal to or greater than the training requirements
10 22 prescribed by Code chapter 724. The department of public
10 23 safety is required to determine which states qualify as
10 24 reciprocal states, maintain an up-to-date list of such states,
10 25 and post such information on the department's internet site.

10 26 The bill provides that the sheriff or the commissioner of
10 27 public safety shall not be liable for damages in any civil
10 28 action arising from the alleged wrongful issuance, renewal, or
10 29 failure to revoke a permit to carry weapons provided that the
10 30 sheriff or the commissioner acted reasonably and in good faith
10 31 and in accordance with provisions of Code chapter 724 in
10 32 carrying out the sheriff's or the commissioner's official
10 33 duties.

10 34 The bill provides an administrative review procedure for an
10 35 applicant who has been denied a permit to carry concealed
11 1 weapons. The denied applicant may file an appeal of the
11 2 denial to the commissioner of public safety within 30 days of
11 3 receiving written notice of the denial. The applicant must
11 4 then file a copy of the denial and a written statement that
11 5 clearly states the applicant's reasons rebutting the denial
11 6 along with a fee of \$10. An applicant aggrieved by the final
11 7 judgment of the commissioner sustaining a denial of a permit
11 8 shall have the right to judicial review in accordance with the
11 9 terms of the Iowa administrative procedure Act, Code chapter
11 10 17A.

11 11 LSB 1114SS 83
11 12 rh/rj/5